

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KANYAMA HAMPTON,

Petitioner,

vs.

CASE NO. 2:11-CV-12233
HONORABLE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

KENNETH ROMANOWSKI,

Respondent,

**ORDER DIRECTING THE CLERK OF THE COURT TO TRANSFER THE
APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS ON
APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH
CIRCUIT**

On March 20, 2014, this Court denied the petition for writ of habeas corpus filed by petitioner and also denied him a certificate of appealability and leave to appeal *in forma pauperis*.

On April 14, 2014, Petitioner filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit. On the same day, petitioner filed an application to proceed without prepaying fees or costs on appeal with this Court, which appears to be a request to be permitted to proceed *in forma pauperis* on appeal. For the reasons stated below, the Court orders that the application to proceed without prepaying fees or costs on appeal to be transferred to the United States Court of Appeals for the Sixth Circuit.

A notice of appeal generally “confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.” *Marrese v.*

American Academy of Orthopaedic Surgeons, 470 U.S. 373, 379 (1985) (citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam)); *Workman v. Tate*, 958 F.2d 164, 167 (6th Cir. 1992). Petitioner's notice of appeal divests this Court of jurisdiction to consider his motion that he be permitted to proceed *in forma pauperis* in the Sixth Circuit Court of Appeals. See *Johnson v. Woods*, No. 5:12-11632; 2013 WL 557271, * 2 (E.D. Mich. Feb. 13, 2013); *Glick v. U.S. Civil Service Com'n*, 567 F. Supp. 1483, 1490 (N.D. Ill. 1983); *Brinton v. Gaffney*, 560 F. Supp. 28, 29-30 (E.D. Pa. 1983). Because jurisdiction of this action was transferred from the district court to the Sixth Circuit Court of Appeals upon the filing of the notice of appeal, petitioner's request to proceed *in forma pauperis* on appeal would be more appropriately addressed to the Sixth Circuit. In the interests of justice, this Court can order that petitioner's application to proceed without prepaying fees or costs on appeal be transferred to the Sixth Circuit for that court's consideration. See *Baker v. Perry*, No. 2:12-10424; 2012 WL 6097323, * 2 (E.D. Mich. Dec. 6, 2012).

IT IS HEREBY ORDERED that the Clerk of the Court transfer Petitioner's "Application to Proceed Without Prepaying Fees or Costs on Appeal [Dkt. # 27] to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

SO ORDERED.

s/Paul D. Borman

 PAUL D. BORMAN
 UNITED STATES DISTRICT JUDGE

Dated: April 23, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 23, 2014.

s/Deborah Tofil

Case Manager